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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,155	11/08/2001	John Handy Bosma	AUS920010679US1	4261
34533	7590	11/18/2004		EXAMINER
IBM CORP (BLF)				MISTRY, O NEAL RAJAN
c/o BIGGERS & OHANIAN, LLP				
504 LAVACA STREET, SUITE 970			ART UNIT	PAPER NUMBER
AUSTIN, TX 78701-2856			2173	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/007,155	BOSMA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	O'Neal R Mistry	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 08 November 2001.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 8-11 is/are allowed.  
 6) Claim(s) 1-7 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 08 November 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892) •  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

This application has been examined.

Claims 1-11 are presented for examination.

### *Drawings*

The Examiner contends that the drawings submitted on November 8, 2001 are acceptable for the examination proceedings.

### *Double Patenting*

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claims 1-7 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-7 of prior U.S. Patent No. 6,639,612. The only difference between the claims are "stateful toggling" compared to just "toggling" and "first checkbox" compared to just "a checkbox". The examiner interprets that stateful toggling is substantially

equivalent to toggling, because the meaning of toggling is changes the state from a 0 to 1 or 1 to 0. The meaning for stateful toggling is shifting the state from 0 to 1 or 1 to 0 as well. With regards to "first checkbox" to "a checkbox", the examiner interprets that while detecting a touch event on a checkbox could be the first checkbox. If their four checkboxes, the event detection starts with the first checkbox which could also be a checkbox.

Application : 10\007155

Patent : 6,639,612

**Claim 1:**  
A method for **stateful** toggling of check box status, the method implemented as a software program installed and operating on a computer comprising  
a computer processor coupled to computer memory, the computer comprising also a computer display which itself further comprises a graphical user interface ("GUI"),  
the method implemented on the GUI,  
the GUI operated by a user using a pointing device,  
the pointing device having a capability of indicating a touch on a check box,  
the pointing device having associated with it through the GUI a pointer displayed upon the GUI and responsive to physical motion of the pointing device,  
the GUI having displayed upon it a set of check boxes comprising a multiplicity of check boxes,  
wherein each check box has a status comprising an indication whether a check box is selected, the method comprising the steps of:  
detecting a touch event on a **first** check box;

**Claim 1:**  
A method for toggling check box status, the method implemented as a software program installed and operating on a computer comprising  
a computer processor coupled to computer memory, the computer comprising also a computer display which itself further comprises a graphical user interface ("GUI"),  
the method implemented on the GUI,  
the GUI operated by a user using a pointing device,  
the pointing device having a capability of indicating a touch on a check box,  
the pointing device having associated with it through the GUI a pointer displayed upon the GUI and responsive to physical motion of the pointing device,  
the GUI having displayed upon it a set of check boxes comprising a multiplicity of check boxes, wherein each check box has a status comprising an indication whether a check box is selected, the method comprising the steps of:  
detecting a touch event on a check box;

toggling the status of the **first check box to a new status;**  
repeatedly, for a multiplicity of repetitions, carrying out the steps of:  
detecting a drag event for each additional check box onto which a user drags the pointer,

wherein the user drags the pointer onto at least one additional check box; and **statefully** toggling the status of each additional touch box for which a drag event is detected to the new status of the first check box.

**Claim 2:**

The method of claim 1 wherein, for at least a portion of the repetitions, one or more further check boxes are positioned upon the display screen in the GUI between two of the additional check boxes, wherein a path along which the pointer drags between the two additional check boxes lies outside the further check boxes, whereby the statuses of the further check boxes remain unaffected.

**Claim 3:**

The method of claim 1 wherein detecting a touch event comprises changing a pointer device status to `active` while a pointer for the device is positioned on the check box.

**Claim 4:**

The method of claim 1 wherein the pointing device is a mouse.

**Claim 5:**

The method of claim 1 wherein the pointing device is a stylus pressed upon a touch sensitive pad.

**Claim 6:**

The method of claim 1 wherein the pointing device is a finger pressed upon a touch sensitive screen.

**Claim 7:**

The method of claim 1 wherein the **first** check box has a GUI image and toggling the status of the **first**

toggling the status of the check box;

repeatedly, for a multiplicity of repetitions, carrying out the steps of:  
detecting a drag event for each additional check box onto which a user drags the pointer,

wherein the user drags the pointer onto at least one additional check box; and toggling the status of each additional touch box for which a drag event is detected.

**Claim 2:**

The method of claim 1 wherein, for at least a portion of the repetitions, one or more further check boxes are positioned upon the display screen in the GUI between two of the additional check boxes, wherein a path along which the pointer drags between the two additional check boxes lies outside the further check boxes, whereby the statuses of the further check boxes remain unaffected.

**Claim 3:**

The method of claim 1 wherein detecting a touch event comprises changing a pointer device status to `active` while a pointer for the device is positioned on the check box.

**Claim 4:**

The method of claim 1 wherein the pointing device is a mouse.

**Claim 5:**

The method of claim 1 wherein the pointing device is a stylus pressed upon a touch sensitive pad.

**Claim 6:**

The method of claim 1 wherein the pointing device is a finger pressed upon a touch sensitive screen.

**Claim 7:**

The method of claim 1 wherein the check box has a GUI image and toggling the status of the check box includes

check box includes changing the GUI image of the **first** check box to indicate a change in the status of the **first** check box.

changing the GUI image of the check box to indicate a change in the status of the check box.

### ***Allowable Subject Matter***

Claims 1-11 are allowable over the prior art of record.

The following is an examiner's statement of reasons for allowance.

The present invention is directed to a method for ad hoc check box selection in graphical user interfaces employed via the user of drag-and-drop operation.

Claims 1, 8, 10, & 11 recite a method/system/computer program product for toggling check box status to comprise the unique steps of: detecting a touch event on first check box, toggling the status of the first check box and repeatedly carrying out the steps of detecting a drag event for each additional check box onto which the user drags the pointer, wherein the status of each said additional touch box is toggled in response to the detection of said drag event.

The prior art of record describes selecting/deselecting/aggregating check boxes individually or in group, for example Cox, Jr. et al (US 6,104,398). However, none of the prior art singularly or in combination, anticipates or renders the above-cited limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to O'Neal R Mistry whose telephone number is (703) 305-2738. The examiner can normally be reached on 9am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703)308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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